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September 25, 2002

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**FAX**

RECIPIENT/ PHONE NO.	FAX NO.	COMPANY/ CITY, STATE, COUNTRY
Petitions Branch	703-308-6916	United States Patent & Trademark Office Arlington, VA

Dawn Marie Bey

FROM

14

PAGES (WITH COVER)

8889-1

REFERENCE NO

36609/247954

CLIENT/MATTER NO.

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**COMMENTS**

To Petitions Branch:

Please see attached submission(s) of Petition under 37 CFR § 1.181.

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Please do not hesitate to contact undersigned representative with questions.

JAN 22 2003

Sincerely,  
 Dawn-Marie Bey

PETITIONS OFFICE

TO BE COMPLETED BY KS OPERATIONS CENTER

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Gregory Toatley (703) 305-4066	(703) 308-6916	Petitions Branch, U.S. Patent and Trademark Office Arlington, VA

Jeanne M. Paoella-BaldFROM8522REFERENCE NO16PAGES (WITH COVER)36609/247954CLIENT/MATTER NO.**PLEASE CALL 202 508 5816 IF YOU HAVE DIFFICULTY WITH THIS TRANSMISSION.****CONFIDENTIALITY NOTE:**

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**COMMENTS**

Dear Mr. Toatley,

Per our telephone conversation, attached please find the Petition under 37 C.F.R. 1.181.

If you have any questions, please do not hesitate to contact me.

**FAX RECEIVED**

Very truly yours,

JAN 22 2003

Jeanne M. Paoella-Bald  
 Paralegal

**PETITIONS OFFICE****TO BE COMPLETED BY KS OPERATIONS CENTER****TRANSMISSION RECEIPT DATE/TIME:** \_\_\_\_\_**COMPLETED BY:** \_\_\_\_\_ **JOB CODE** \_\_\_\_\_

SAIC0020-CON

1

PATENT

#4

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

A.J. NEJEZCHLEB et al.

Art Unit: 1745

Continuation Prosecution Application  
Serial No. 09/085,669  
Filed: May 27, 1998  
Now U.S. Patent No. 6,309,610

Examiner: Crepeau, J.

For: NON-THERMAL PLASMA APPARATUS UTILIZING DIELECTRICALLY-COATED ELECTRODES FOR TREATING EFFLUENT GAS

Box: Petitions Branch  
Assistant Commissioner of Patents  
Washington, D.C. 20231

**SECOND SUBMISSION OF PETITION UNDER 37 C.F.R. § 1.181**

On November 15, 2001, the attached petition was filed along with the filing of utility Patent Application Serial No. 09/987,769. Proof of the timely filing of this petition is evidenced by the last page of the enclosed documents, which contains a copy of the stamped postcard and the submitted petition fee check stub.

Should further information be required by the Petitions Branch, please do not hesitate to contact the undersigned representative.

Respectfully submitted,

Date: 9/25/02  
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Suite 900  
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(202) 508-5800

By:

Dawn-Marie Bey  
Dawn-Marie Bey  
Registration No. 44,442

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JAN 22 2003

PETITIONS OFFICE

## PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: A.J. NEJEZCHLEB et al.

Continued Prosecution Application  
Serial No.: 09/085,669

Examiner: J. Crepeau

Filed: May 27, 1998

Group Art Unit: 1745

U.S. Patent No. 6,309,610

Issued: October 30, 2001

Title: NON-THERMAL PLASMA APPARATUS  
UTILIZING DIELECTRICALLY-COATED  
ELECTRODES FOR TREATING EFFLUENT GAS

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PETITION

JAN 22 2003

PETITIONS OFFICE

This is a petition to the Commissioner under 37 CFR 1.181(a) invoking the supervisory authority of the Commissioner.

Specifically, because of mail delays associated with the recent anthrax contamination of the U.S. Postal Service Brentwood Sorting Station, through which U.S. Patent & Trademark Office mail is routed, the Issue Notification with regard to U.S. Patent Application Serial No. 09/085,669 was neither received nor docketed prior to issuance of the related patent. As a consequence of this mail disruption, a continuation application was not timely filed.

The petitioners respectfully request that the Commissioner grant a filing date of October 30, 2001, for a continuation application to be filed claiming priority to U.S. Patent Application Serial No. 09/085,669.

The petitioners provide herewith a check in the amount of \$130.00, the patent petition fee identified in 37 C.F.R. § 1.17(h). This petition, filed within two months of the issuance of U.S. Patent No. 6,309,610, is timely filed.

STATEMENT OF FACTS

1. In connection with the recent discovery of anthrax spores in mail routed through the U.S. Postal Service's Brentwood Sorting Station in Washington, D.C. mail from the U.S. Patent and Trademark Office to the Washington, D.C. office of Kilpatrick Stockton LLP (which is routed through the Brentwood Sorting Station) has been disrupted. The Washington Post has reported as of November 9, 2001 that “[one] million pieces of mail . . . were locked up at Brentwood and sent only this week to a decontamination facility in Ohio.” Arthur Santana, Mail Woes Delay D.C. Support Payments, Wash. Post, November 9, 2001, at B8; (visited November 9, 2001) <<http://www.washingtonpost.com/wp-dyn/articles/A64475-2001Nov8.html>>.

2. The U.S Patent & Trademark Office has acknowledged this disruption. On October 25, 2001, in a notice published at the U.S. Patent & Trademark website, the U.S. Patent & Trademark Office stated that “non-trademark communications mailed from the United States Patent and Trademark Office (USPTO) . . . were routed through the U.S. Postal Service's Brentwood Sorting Station in Washington, D.C., where workers are diagnosed as having contracted anthrax” and that “[t]he Brentwood Station is now closed, and USPTO mailings, both incoming and outgoing,

are currently being routed through another station." (visited November 9, 2001)  
<<http://www.uspto.gov/september11/mailings02.htm>>.

3. At Kilpatrick Stockton LLP, papers received from the U.S. Patent & Trademark Office regarding an application are placed in the docketing calendar of the Washington, D.C. office of Kilpatrick Stockton LLP for that application and serve as docketing events used to consider taking various actions with regard to that application. (Affidavit of George T. Marcou ¶ 4; Affidavit of Kent Forrester ¶ 5.)

4. More specifically, an Issue Notification in an application is placed in the docketing calendar of the Washington, D.C. office of Kilpatrick Stockton LLP for that application and is a docketing event that is used to consider taking actions, such as the filing of a continuation application, among others. (Marcou Aff. ¶ 5; Forrester Aff. ¶ 6.)

5. Regarding U.S. Patent Application Serial No. 09/085,669, as of today, November 9, 2001, Kilpatrick Stockton LLP has not received an Issue Notification providing notice of the approaching issuance of U.S. Patent No. 6,309,610, due, it is believed, to the anthrax-related events and the closing of the Brentwood Sorting Station. (Marcou Aff. ¶ 6; Forrester Aff. ¶ 7.)

6. U.S. Patent No. 6,309,610 issued on October 30, 2001, although Kilpatrick Stockton LLP never received notice of the approaching issuance and, thus, never docketed the issue date. (Marcou Aff. ¶ 7; Forrester Aff. ¶ 8.)

7. Because the Issue Notification with regard to U.S. Patent Application Serial No. 09/085,669 was not received prior to issuance of the related patent and never docketed, a continuation application was not timely filed. (Marcou Aff. ¶ 8.)

RELIEF REQUESTED

The petitioners respectfully request that the Commissioner grant a filing date of October 30, 2001, for a continuation application to be filed claiming priority to U.S. Patent Application Serial No. 09/085,669.

CONCLUSION

Pursuant to 37 CFR § 1.181(a) and the supervisory authority of the Commissioner, petitioners respectfully request that the Commissioner grant a filing date of October 30, 2001, for a continuation application to be filed claiming priority to U.S. Patent Application Serial No. 09/085,669. Because of mail disruptions associated with the recent anthrax contamination of the U.S. Postal Service Brentwood Sorting Station, through which U.S. Patent & Trademark Office mail is routed, the Issue Notification with regard to U.S. Patent Application Serial No. 09/085,669 was neither received nor docketed prior to issuance of the related patent.

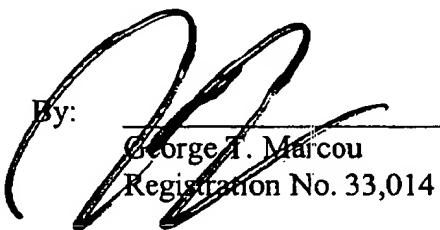
As a consequence of this mail disruption, a continuation application was not timely filed.

This petition is timely filed and the requisite fee is provided herewith.

Respectfully submitted,

A.J. NEJEZCHLEB et al.

Date: 11/15/01  
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By:   
George T. Marcou  
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